

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
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UNITED STATES OF AMERICA )

v. )

FRANK DEPERGOLA, and )  
ARMANDO BOTTA )

Defendants. )

CRIMINAL NO. 05-30002-MAP

THE PARTIES' JOINT STATUS  
REPORT PURSUANT TO LOCAL RULE 116.5(A)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, Michael Foy, Esq., counsel for Frank Depergola, and Lori Levinson, Esq., counsel for Armando Botta, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's written orders.

1. The parties state that this is not a complex case and therefore does not require relief from the timing requirements imposed by Local Rule 116.3.

2. The defendants request discovery concerning expert witnesses under Fed.R.Crim.P. 16(a)(1)(E). The government requests reciprocal discovery pursuant to Fed.R.Crim.P. 16(B)(1)(C). Accordingly, it is appropriate for the Court to establish dates for response by the parties.

3. The parties, at this time, do not anticipate that additional discovery will be provided by the government and the defendant as a result of the future receipt of information,

documents, or reports of examinations or tests.

4. The parties state that a motion date should be established under Fed.R.Crim.P. 12(c).

5. The parties state that the time from arraignment, through the present is excludable from the Speedy Trial Act pursuant to 18 U.S.C. Section 3161(h)(8)(A) and Local Rule 112.2(A)(1), (2), and (3). Accordingly, the parties request that the Court issue an order indicating that the time from arraignment to the present is excludable pursuant to Local Rule 112.2(B).

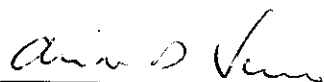
6. The parties anticipate a trial in this case which will require approximately two weeks consisting of four hour trial days.

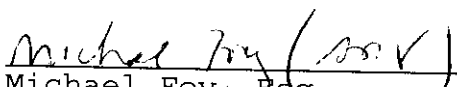
7. The parties state that it is premature to establish a final status conference at this time.

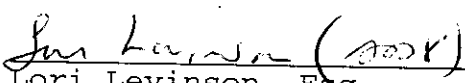
Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
Ariane D. Vuono  
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Michael Foy, Esq.  
Counsel for Frank Depergola

  
Lori Levinson, Esq.  
Counsel for Armando Botta

Dated: May 31, 2005